

Christopher Seidman (SBN 98884)
Harmon & Seidman LLC
101 South Third Street, Suite 265
Grand Junction, Colorado 81501
Tel: (970) 245-9075
Fax: (970) 245-8086
E-mail: chris@harmonseidman.com

Gregory N. Albright (SBN 145547)
Harmon & Seidman LLC
485 Dorset Street
Cambria, California 93428
Tel: (805) 927-2722
E-mail: greg@harmonseidman.com

Attorneys for Plaintiff Minden Pictures Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO COURTHOUSE

MINDEN PICTURES, INC.

Plaintiff,

v.

JOHN WILEY & SONS, INC.,

Defendant

Case No. CV 13-3246-EMC

**PARTIES' STIPULATED MOTION FOR
VOLUNTARY DISMISSAL
(PROPOSED)**

1 WHEREAS, this present case (“*Wiley II*”) and the earlier-filed case of *Minden Pictures,*
 2 *Inc. v. John Wiley & Sons, Inc.*, Case No. C 12-04601 EMC (“*Wiley I*”), are related;¹

3 WHEREAS, the parties previously submitted in this present case a Stipulated Motion to
 4 Stay All Proceedings Herein Pending Resolution of Summary Judgment Motions in Related Case,²
 5 and on September 17, 2013, this Court entered an Order staying all proceedings in this case, until
 6 further Order of this Court;³

7 WHEREAS, the Court has set this matter for a Case Management Conference on November
 8 17, 2015;⁴

9 WHEREAS, on January 27, 2014, this Court issued an Order granting Defendant John
 10 Wiley & Sons, Inc.’s (“Wiley’s”) Motion for Summary Judgment and dismissing *Wiley I* in its
 11 entirety with prejudice;⁵

12 WHEREAS, on January 27, 2014 this Court also entered Judgment in Wiley’s favor on all
 13 of the claims by plaintiff Minden Pictures, Inc. (“Minden Pictures”) in *Wiley I*;⁶

14 WHEREAS, on February 11, 2014, Minden Pictures filed its Notice of Appeal from this
 15 Court’s judgment and rulings in *Wiley I* to the United States Court of Appeals for the Ninth
 16 Circuit;⁷

17 WHEREAS, on July 29, 2015, the Ninth Circuit issued its opinion in Case No. 14-15267,
 18 reversing the judgment of the district court,⁸ and issued its Mandate to the District Court on
 19 September 3, 2015;⁹

20
 21 ¹ See *Wiley I*, Doc. 58 (Related Case Order); *Wiley II*, Doc. 5 (Related Case Order).

22 ² *Wiley II*, Doc. 17-0.

23 ³ *Wiley II*, Doc. 18.

24 ⁴ *Wiley II*, Doc. 33.

25 ⁵ *Wiley I*, Doc. No. 78.

26 ⁶ *Wiley I*, Doc. No. 79.

27 ⁷ *Wiley I*, Doc. No. 83.

28 ⁸ *Wiley I*, Doc. No. 106.

⁹ *Wiley I*, Doc. No. 107.

WHEREAS, the reinstatement of *Wiley I* makes proceedings in this case duplicative;

IT IS HEREBY STIPULATED AND AGREED THAT THE PARTIES jointly request the Court enter an Order dismissing the above action, without prejudice to Plaintiff's right to seek recovery of its fees and costs, except that Wiley does not concede any such costs or fees are available or appropriate.

DATED:

Respectfully submitted by:

s/ Christopher Seidman

Christopher Seidman (SBN 98884)
Harmon & Seidman LLC
101 South Third Street, Suite 265
Grand Junction, Colorado 81501
Tel: (970) 245-9075
Fax: (970) 245-8086
E-mail: chris@harmonseidman.com

Attorneys for Plaintiff Minden Pictures, Inc.

DATED:

Stipulation entered into by:

s/ Steven D. Zansberg

Steven D. Zansberg (No. 177528)
Levine Sullivan Koch & Schulz, LLP
1888 Sherman Street, Suite 370
Denver, CO 80203
szansberg@lskslaw.com

Attorneys for Defendant John Wiley & Sons, Inc.

I hereby attest that concurrence in the filing of this stipulation has been obtained from each of the signatories above indicated by a conformed signature (/s) within this e-filed document.

s/ Christopher Seidman

IT IS SO ORDERED:

Edward M. Chen
U.S. District

